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9 **UNITED STATES DISTRICT COURT FOR THE
10 CENTRAL DISTRICT OF CALIFORNIA**

11 JUSTIN CODY HARPER,

12 Plaintiffs,

13 v.

14 CITY OF REDLANDS; NICHOLAS
15 KOAHOU,

16 Defendants.

17 Case No. 5:23-cv-00695-SSS-DTB

18 Honorable Sunshine S. Sykes
Hon. Mag. Judge David T. Bristow

19 **[PROPOSED] ORDER RE:
20 PLAINTIFF'S MOTION *IN LIMINE*
21 NO. 1 TO EXCLUDE
22 INFORMATION UNKNOWN TO
23 OFFICER KOAHOU AT THE TIME
24 OF THE INCIDENT**

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[PROPOSED] ORDER

Having reviewed Plaintiff's Motion *in Limine* No. 1 to Exclude Information Unknown to Defendant Nicholas Koahou, and GOOD CAUSE appearing therein, Plaintiff's Motion is hereby GRANTED. Evidence, testimony, argument, or reference to/regarding the following shall be excluded at the trial of the above-entitled matter: (1) drug and/or alcohol use by Mr. Harper, inlcuding prior to the date of the incident and on the date of the incident and including any testimony or opinions by Defendants' expert Richard Clark and any references to methamphetamine in Mr. Harper's blood at the time of the incident; (2) the shotgun recovered from the Toyota after the incident; (3) Mr. Harper's criminal history or other bad acts, including his criminal history prior to this incident, his testimony that he had been expelled from school, charges and convictions arising from this incident, and his disciplinary write-ups during his current incarceration.

14 The basis for this Order is that this information is irrelevant under FRE 401,
15 402 as it was unknown to Officer Koahou at the time of the shooting; this evidence
16 will unduly prejudice Plaintiff, unduly consume Court time, and confuse the issues
17 under FRE 403; certain evidence of this kind is inadmissible character evidence
18 under FRE 404, and any reports containing this information constitutes improper
19 hearsay under FRE 801, 802.

21 | IT IS SO ORDERED.

23 DATED: . 2025

HONORABLE SUNSHINE S. SYKES
UNITED STATES DISTRICT JUDGE